



U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
ENTERED
TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.


United States Bankruptcy Judge

Signed July 21, 2010

Codilis & Stawiariski, P.C.

650 N. Sam Houston Parkway East, Suite 450
Houston, Texas 77060 (281) 925-5200
Facsimile: (281) 925-5300

ATTORNEYS FOR MOVANT

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:	§	CASE NO. 08-70547-HDH-13
SHARON LAVERNE STARKS	§	
DEBTOR	§	CHAPTER 13
	§	
MONCOR, INC. DBA MONCOR	§	MOTION FOR RELIEF
MORTGAGE, ITS SUCCESSORS AND	§	HEARING DATE:
ASSIGNS,	§	
MOVANT	§	June 16, 2010, 10:00am
VS.	§	
SHARON LAVERNE STARKS AND	§	
WALTER OCHESKEY, TRUSTEE	§	
RESPONDENT	§	

AGREED ORDER CONDITIONALLY MODIFYING AUTOMATIC STAY

(48)

CAME ON before the Court for consideration the Motion For Relief From Stay Of Act
Against Property filed by MONCOR, INC. DBA MONCOR MORTGAGE, ITS SUCCESSORS
AND ASSIGNS, Movant, and any response of Debtor/Respondent. The Court finding that the parties

have reached an agreement conditionally modifying the Automatic Stay of 11 U.S.C. §362 (“Automatic Stay”), it is accordingly:

ORDERED that the Automatic Stay shall remain in effect, except as modified herein. It is further

ORDERED that Debtor shall modify the Chapter 13 Plan within thirty (30) days following entry of this Order to include the payoff amount of **\$15,569.39 payable to Movant with Interest at 16.90% as a Secured Claim**. This payoff amount includes the outstanding principal balance of \$10,566.94, interest of \$3,467.45, late fees of \$550.00, attorney fees of \$310.00, plus the attorney fees of \$525.00 and costs of \$150.00 for the filing of this Motion for Relief from Stay. The payoff amount of \$15,569.39 shall be paid at the interest rate of 16.90%, as specified in the Note executed June 23, 2008, through the Chapter 13 Plan by the Trustee. It is further

ORDERED that the “Payoff Amount” specified herein shall constitute a secured claim filed by Movant (“Additional Claim”) in the bankruptcy proceeding and is hereby allowed by the Court. If the Chapter 13 plan has been previously confirmed by the Court under 11 U.S.C. Section 1325 (“Confirmed Plan”), Debtor shall promptly modify the Plan, and the Chapter 13 Trustee shall make no distributions to Movant on the Additional Claim until Debtor has filed a modification of the Confirmed Plan pursuant to 11 U.S.C. Section 1329 (“Post-Confirmation Modification”), served the Post-Confirmation Modification on all parties in interest entitled to notice, and obtained an Order from the Court approving the Post-Confirmation Modification. If the Plan has not been previously confirmed by the Court, the Debtor shall promptly modify the Plan prior to confirmation pursuant to 11 U.S.C. Section 1323 to provide for the Secured Claim. It is further

ORDERED that Debtor(s) shall provide to Movant, on or before July 16, 2010, proof of

payments made to Movant, but not credited to Debtor(s)'s account. In the event Debtor(s) should provide such proof, Movant shall adjust its records accordingly. It is further

ORDERED that Debtor shall make all Trustee payments according to the Plan. Debtor shall keep all Trustee payments current. It is further

ORDERED that Debtor shall maintain insurance and pay all *ad valorem* taxes on the property and provide continuous proof of insurance and payment of *ad valorem* taxes to Movant. It is further

ORDERED that the above referenced mortgage installments and additional payments to bring arrearages current shall be made to the Movant mortgage company/servicer at the following address:

Moncor Mortgage
15301 Spectrum Drive
Suite 405
Addison, TX 75001

It is further **ORDERED** that if Debtor defaults on any of the terms of this Order, Movant shall mail notice of the default to Debtor by certified mail, return receipt requested, and by regular mail. Unless Debtor cures the default within ten (10) days of the date Movant mails the notice, the Automatic Stay shall be and is hereby ordered lifted with respect to Movant, its assignees and/or successors in interest. Movant shall send Notice of Default correspondence to Debtor on one (1) occasion only. Upon the third default by the Debtor to remit any of the payments referenced above, the Automatic Stay shall be ordered lifted with respect to Movant without further notice to Debtor. If Debtor defaults under the terms of this Order and the automatic stay is lifted, Movant and its assignees and/or successors in interest shall be excepted from the Automatic Stay is authorized to enforce its lien and to pursue its statutory and contractual remedies to gain possession of the following described real property:

LOT 5 BLOCK 17 LYNWOOD ADDITION TO THE CITY OF
WICHITA FALLS, WICHITA COUNTY, TEXAS ALSO KNOWN
AS 1516 REDFOX.

Property also known as:
1516 RED FOX
WICHITA FALLS, TX 76306-0000

It is further **ORDERED** that in the event this case is converted to a Chapter 7 of the Bankruptcy Code, the automatic stay shall lift without further notice except to the extent the property described above is non-exempt property, and any and all amounts owed to Movant by Debtors shall become due and payable immediately. It is further

ORDERED that Movant shall give notice to the Trustee immediately upon foreclosure and that Movant shall amend or withdraw its claim herein within twenty (20) days after foreclosure. It is further

ORDERED that in the event this case is dismissed and not reinstated, the agreements reached between the parties in this order are cancelled, of no further effect, and neither party shall be bound by the agreements made herein.

END OF ORDER

* The signature of Movant's counsel shown below is an affirmative representation to the Court that Movant has complied with Bankruptcy Rule Number 4001.

APPROVED AS TO FORM AND ENTRY REQUESTED:

Codilis & Stawiarski, P.C.

By: /s/ Angela K. Randermann *

Angela K. Randermann SBOT 24029787 (31688)

Lisa L. Cockrell SBOT 24036379

Robert L. Negrin SBOT 1486550

Mary M. Speidel SBOT 18908400

650 N. Sam Houston Parkway East, Suite 450

Houston, Texas 77060 (281) 925-5200

Facsimile: (281) 925-5300

ATTORNEYS FOR MOVANT

MONTE J WHITE & ASSOCIATES

/s/ Monte Jay White by permission

MONTE JAY WHITE

1106 BROOK AVENUE

WICHITA FALLS, TX 76301

Telephone: 940-723-0099

Facsimile: 940-723-0096

ATTORNEY FOR DEBTORS